Stanton Park Neighborhood Association
P.O. Box 75085, National Capitol Station, Washington, D.C. 20013-5085

August 30, 2001

Ms. Sheila Cross-Reid, Chairperson
Board of Zoning Adjustment
441 Fourth Street, NW, Room 210
Washington, DC 20001

Re: BP Corporation
BZA Application No. 16648

Dear Chairperson Cross-Reid,

I am in receipt of a letter from Mr. John Patrick Brown, Attorney for BP Corporation which contains factual misrepresentations as well as re-interpretations of other events. The overall tone of the letter portrays BP in a far more favorable light than the actual facts. Mr. Brown should make clear that he did not attend the community meeting on August 20, 2001, and therefore should not leave the impression that he is faithfully reporting events of that meeting.

BP did not attempt to set up a community meeting until well over a month after the BZA hearing on June 19. The late date of that meeting resulted from BP's schedule and not any lack of availability by members of the community. Please recall that BP was directed to engage the community in meaningful discussions following both the December 2000 BZA meeting, and March 2001 BZA hearing. It was not until August 20, 2001 that a meeting was held which included a commitment by BP to initiate a cooperative community planning process. Contrary to the limited progress made at that meeting, Mr. Brown's letter of August 30 mischaracterizes the results of that meeting. This letter - some five days prior to the BZA meeting, and only two working days prior to the scheduled BZA meeting - places the community at a distinct disadvantage in forming a response. It is very important to point out that no community planning process has begun, BP has not indicated how they would like to proceed, and there is no community agreement with BP on how we will proceed. In addition, BP has not responded to my letter of August 21 - - a letter which I believe more accurately reflects the results of that meeting.

BZA
Case No. 16648
Exhibit No. 156

Board of Zoning Adjustment
District of Columbia
CASE NO.16648
EXHIBIT NO.156

In reference to the three "immediate steps" mentioned in Mr. Brown's letter, I provide the following clarification:

First, the community most certainly did not agree to "continue the planning process through a third party mediator". To the best of my knowledge the words mediator and mediation were never mentioned. The community and BP did agree at the August 20 meeting that BP would hire an architectural team acceptable to the community to begin a design process that we hope will lead to a solution acceptable to both BP and the community.

Second, we did agree to "take a new look at all elements of the project, including especially urban design". We did not, however, reject Scenic America's design proposal, but did point out to BP that this design had not been endorsed by the community. That design resulted from an effort undertaken by Scenic America to demonstrate that a more creative solution was possible using the design elements BP had already proposed. Whether or not that design would be an acceptable solution was not specifically addressed.

Third, the community did not agree that if BP were to "drop the existing and pending matter-of-right building permits for this site, . . . the community consents to working through the process with a third party mediator." Again, we did agree to work with an architect or a design team, but did not agree to consent to a mediator selected and paid for by BP Corporation. The community has struggled to work with BP for one and a half years, we have been subjected to numerous meetings in which BP has simply refused to listen to the community, the Office of Planning, or the Board of Zoning Adjustment. Until and unless BP establishes a more positive relationship with the community it would be imprudent for us to agree to a vague "mediation" agreement proposed by BP. Making that agreement a *quid pro quo* for BP dropping existing building permits, and to characterize those permits as "matter-of-right" is particularly misleading. I refer you to my earlier letters on this matter. I am informed that DCRA has revoked BP's permits due to false and misleading statements made by BP in their building permit application and renewal applications. BP obtained and renewed those building permits as a parallel effort intended to circumvent BZA approval and community input.

An important omission from Mr. Brown's letter was Mr. Mullan's agreement that the existing gas station would not re-open without community agreement and appropriate protections for nearby residents from a 24 hour refueling operation.

I object to any consideration being given to BP to defer action, withdraw the current application without a ninety day restriction on refiling, or waive the $4,000 application fee. BP Corporation has consumed enormous amounts of uncompensated time by the community, the BZA, and the Office of Planning. BP neglected to heed recommendations by the community, the Office of Planning, and the BZA from December 2000 through August 2001. Throughout that time period and for several months prior to the December BZA meeting, BP tried numerous tactics to divide and wear the community down; attempted to dismiss the Office of Planning from the process; and repeatedly renewed building permits obtained by false and misleading statements to DCRA. This corporation has acted in an irresponsible manner. The

current "offer" continues that irresponsible conduct by failing to accurately represent an agreement resulting from the August 20, 2001 meeting. The community deserves a clear decision by the BZA that rejects this application, and sends a strong message to BP. The lack of clarity resulting from yet another delay will hinder opportunities for BP and the community to work cooperatively in achieving a mutually acceptable solution. Three delays are enough - there is no reason to afford BP a fourth opportunity on the same application.

Sincerely,

Drury J. Tallant, Co-Chair, Land Use Committee
Stanton Park Neighborhood Association

cc: Mayor Anthony Williams
The Honorable Sharon Ambrose
Mr. Andrew Altman, Director, Office of Planning
Ms. Ivette Basterrechea, Chair, ANC 6A
Mr. Joseph Mullan, BP Director of Asset Management